

1 JOSEPH R. ESQUIVEL, JR.
2 LORI ESQUIVEL fka LORI HERDA
3 6940 Surrey Ct.
4 Las Vegas, Nevada 89145
5 (702) 856-0609

RECEIVED
AND FILED

DEC 18 10 44 AM '09

6 DEBTORS IN PROPER PERSON
7

U.S. BANKRUPTCY COURT
MARY ANN MCKEE

6 UNITED STATES BANKRUPTCY COURT
7 DISTRICT OF NEVADA

8)
9) CASE No.: BK-S-09BK-29236-BAM
10)
11) Date: 1/04/2010
12) Time: 1:30 p.m.
13)
14) Chapter 7
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)

In RE:
JOSEPH R.ESQUIVEL, JR. and
LORI ESQUIVEL,
Debtors

13 **DECLARATION OF JOSEPH R. ESQUIVEL, JR. AND LORI ESQUIVEL TO
14 OPPOSITION TO RELIEF FROM STAY FOR FAILURE TO STATE A CLAIM UPON
15 WHICH RELIEF CAN BE GRANTED**

16 WE, JOSEPH R. ESQUIVEL, JR. and LORI ESQUIVEL hereby declare and state as
17 follows:

18 We are the Debtors in the above-entitled case;

19 This Declaration is submitted in support of **DEBTORS' OPPOSITION TO RELIEF
20 FROM STAY FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE
21 GRANTED** .

22 On or about November 16,, 2009, Secured Creditor failed and refused to attend the
23 Creditors' Meeting and provide Trustee with their proof of claim. Instead, Secured Creditor
24 caused to be served electronically upon Debtors' former attorney-of-record, Dorothy G. Bunce,
25 Esq., a document entitled Motion to Lift Stay.

26 Dorothy G. Bunce, Esq. forwarded us the Motion via email on December 7, 2009 at
approximately 11 a.m.

///

1 Dorothy G. Bunce, Esq. withdrew as attorney-of-record on December 11, 2009 after we
2 inquired as to why she did not object to Secured Creditor's non-attendance at the Creditor's
3 Meeting and her acceptance of their Motion to Lift Stay in the alternative.

4 Debtors noticed from Secured Creditor's Motion, that the original beneficiary under the
5 subject of our Deed of Trust is not SECURED CREDITOR but MERS, INC., its successors and
6 assigns, AS NOMINEE for COUNTRYWIDE HOME LOANS, INC. In recent months, Courts
7 (including Nevada) have been ruling that Homeowners are disadvantaged by the MERS system
8 due to the lack of disclosure concerning the true identity of the mortgagee.

9
10 We have even conducted a search under the UNIFORM COMMERCIAL CODE (UCC)
11 and found no evidence of a "DEBT" owed to Secured Creditor (attached hereto as Exhibit "1").

12 We believe Secured Creditor (Successor Beneficiary to Original Beneficiary MERS) nor
13 their designated Successor Trustee, RECONTRUST, have our original note as *certified in public*
14 *record* in their Notice of Default filed on or about September 3, 2009. Certifications of Lost
15 Documents or photocopies, in any form, certified or not, are not valid.

16
17 Secured Creditor is a Nevada foreign corporation formed under the laws of the State of
18 Texas. The limited Partners of said corporation are:

19
20 General Partner - COUNTRYWIDE GP, LLC
21 4500 PARK GRANADA
22 CALABASAS, CA 91302

23
24 General Partner - COUNTRYWIDE LP, LLC, LIMITED PARTNER
25 4500 PARK GRANADA
26 CALABASAS, CA 91302

27
28 This partnership/corporation was filed with the Nevada Secretary of State January 9, 2008
29 (attached hereto as Exhibit "2"). Debtors hereby certify Exhibit is a true and correct copy of the
30 same obtained from the Nevada Secretary of State's web site;

1 We have researched the matter regarding MERS and have learned that it is the electronic
 2 mortgage recording system contrived by a consortium of major lenders in order to avoid billions
 3 of dollars in legal fees and county recording costs, and to legally shield themselves from
 4 consumer lawsuits for predatory lending practices. In Courts, the findings are that lenders are,
 5 because of MERS' involvement, found to have no legitimate signed mortgage documents by
 6 which to support their claims; neither can they, because of the rampant securitization of our loan
 7 after it was made by us, prove that they've been damaged financially; nor do they possess the
 8 original loan document(s) they have purportedly been servicing. It appears all "they" have on
 9 hand is no more than copies, or electronic versions of the documents, and neither bears our
 10 original signatures giving them authority whatsoever to dispose of our property in any way.

11 We have information, believe and thereon allege that Secured Creditor and/or its agent(s)
 12 directed or otherwise caused the following to be recorded by Clark County Recorder in the
 13 Public Record:

14 Trustor/Grantor: HERDA, LORI
 15 BANK OF AMERICA, NA
 16 Document #200509150001525
 17 DEED OF TRUST recorded 9/15/2005 (incorporated in Movant's Motion)

18 Trustor/Grantor: ESQUIVEL, LORI M
 19 BANK OF AMERICA, NA NATIONAL BANKING ASSOCIATION
 20 Document #200703140001283
 21 MISCELLANEOUS MODIFY recorded 3/14/2007
 22 (attached hereto as Exhibit "3")

23 MODIFICATION OF SECURITY INSTRUMENT
 24 (attached hereto as Exhibit "4")

25 Trustor/Grantor: HERDA, LORI
 26 RECONTRUST COMPANY, NA
 27 Document #200909030000192 (attached hereto as Exhibit "5")

28 DEFAULT & ELECTION TO SELL
 29 Recorded 9/3/2009 (~~attached hereto as Exhibit "6"~~)

30 ****Notice of Default filed before SUBSTITUTE TRUSTEE filed (see below 9/14/2009)
 31 //

1 MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
2 BAC HOME LOANS SERVICING, LP
3 Document #200909140003882
4 ASSIGNMENT
5 recorded 9/14/2009
6 (attached hereto as Exhibit "7")

7 BAC HOME LOANS SERVICING LP
8 RECONTRUST COMPANY, NA
9 Document #200909140003883
10 SUBSTITUTION TRUSTEE
11 Recorded 9/14/2009
12 (attached hereto as Exhibit "8")

13 In inspecting public record filings more closely, we believe that some of the
14 documents/instruments may be forgeries.

15 Several lawsuits have been brought against Secured Creditor by several States' Attorney
16 Generals including, but not limited to, Nevada's own Catherine Cortez Masto via her Complaint,
17 (attached hereto as Exhibit "9").

18 Secured Creditor voluntarily entered into a Consent Judgment with the State of Nevada
19 which is, to date, being monitored by Ms. Masto's office (attached hereto as Exhibit "10").

20 We believe that we may be entitled to RELIEF under the terms of the State of Nevada's
21 Consent Judgment with Secured Creditor.

22 We are subject to another entity coming forward in the future and claiming we owe *them*
23 and *they* are the secured creditor even if we no longer have our property. If this occurs, the
24 Secured Creditor in this matter, obviously, would have been unjustly enriched to our detriment.

25 In an effort to further protect our rights and ensure the proper Party is before this Court,
26 we have provided alleged Secured Creditor with a REAL ESTATE SETTLEMENT
27 PRACTICES ACT (RESPA) QUALIFIED WRITTEN REQUEST, COMPLAINT, DISPUTE
28 OF DEBT & VALIDATION OF DEBT LETTER and TRUTH IN LENDING ACT (TILA)
29 REQUEST (attached hereto as Exhibit "11").

30 ///

1 Due to Secured Creditor's foreclosure mill, WILDE & ASSOCIATES, ignoring the
2 Creditors' Meeting and serving us with their "cookie cutter" Motion, we have incurred additional
3 costs in this matter.

4 Lastly, our credit report has derogatory information from Secured Creditor's claim. As
5 the company of Secured Creditor does not have a legal standing to collect this debt, there shall be
6 not any data furnished to the credit report agencies as provided in the Fair Debt Collection
7 Practices Act (FDCPA);

8 We declare under penalty of perjury under the laws of the State of Nevada that the
9 forgoing is true and correct.

10 Dated this 17 day of December, 2009.

11 By: 
12 JOSEPH R. ESQUIVEL, JR., PRO SE
13 DEBTOR

14 Lori Esquivel
15 LORI ESQUIVEL fka LORI HERDA,
16 PRO SE
17 DEBTOR

1 STATE OF NEVADA)
2 COUNTY OF Clark) ss. ACKNOWLEDGEMENT

3
4 On December 17th, 2009, before me, a Notary Public in the
5 mentioned County and State, personally appeared Lori M. Esquivel and
6 Joseph Esquivel, personally known to me or proved to me on the basis of satisfactory
7 evidence to be the person(s) whose names are subscribed to the within instrument

8 DECLARATION OF JOSEPH R. ESQUIVEL, JR. AND LORI ESQUIVEL TO OPPOSITION
9 TO RELIEF FROM STAY FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF
10 CAN BE GRANTED; and acknowledged to me that they executed the same in their authorized
11 capacity, and that by their signature on the instrument these persons, or the entity upon behalf of
12 which these persons acted, executed the instrument.

13 WITNESS my hand and notary seal, this 17th day of December, 2009.

14 My commission expires 10/10/2012
15 Teresa Bastron
Notary Public

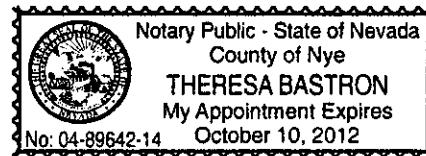


EXHIBIT “1”

STATE OF NEVADA

ROSS MILLER
Secretary of State



SCOTT W. ANDERSON
Deputy Secretary
for Commercial Recordings

**OFFICE OF THE
SECRETARY OF STATE**

December 08, 2009

Job Number: U20091208-0073

Job Contents:

Certified Search Request(s): 1

Special Handling Instructions:

JOSEPH ESQUIVEL
6940 SURREY CT.
LAS VEGAS NV 89145

STATE OF NEVADA

ROSS MILLER
Secretary of State



SCOTT W. ANDERSON
Deputy Secretary
for Commercial Recordings

OFFICE OF THE
SECRETARY OF STATE

Certified Search Request

December 08, 2009

Job Number: U20091208-0073
Reference Number: 0000549049-4
Expedite: None
Through Date: 12/04/2009 05:00PM

The undersigned filing officer hereby certifies that the attached list is a true and exact list of all financing statements or federal tax liens and related subsequent documentation for the debtor below as filed with the Secretary of State's office, Uniform Commercial Code Division as of the above through date.

Search Criteria:

Debtor Name: HERDA, LORI MARY
Lien Type: UCC
Lien Status: All (Including lapsed)

Nevada Secretary of State
Electronic Filing
Filing Officer

UCC DIVISION:
Tracy Gillespie, Supervisor
200 N. Carson Street
Carson City, Nevada 89701-4069
Telephone (775) 684-5708
Fax (775) 684-5630

STATE OF NEVADA

ROSS MILLER
Secretary of State

SCOTT W. ANDERSON
Deputy Secretary
for Commercial Recordings

OFFICE OF THE
SECRETARY OF STATE

Search Criteria:

Debtor Name: HERDA, LORI MARY
Lien Type: UCC
Lien Status: All (Including lapsed)

No Matching Records Found.

(D)=Debtor
(T)=Tax Payer

1 of 1
(A)=Assignee

(S)=Secured Party
(L)=Lien Holder

EXHIBIT “2”

BAC HOME LOANS SERVICING, LP

Business Entity Information

Status:	Active	File Date:	1/09/2008
Type:	Foreign Limited Partnership	Entity Number:	E0012862008-4
Qualifying State:	TX	List of Officers Due:	1/31/2011
Managed By:		Expiration Date:	
NV Business ID:	NV20081549013	Business License Exp:	1/31/2011

Registered Agent Information

Name:	THE CORPORATION TRUST COMPANY OF NEVADA	Address 1:	6100 NEIL ROAD SUITE 500
Address 2:		City:	RENO
State:	NV	Zip Code:	89511
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Corporation		
Jurisdiction:	NEVADA	Status:	Active

Financial Information

No Par Share Count:	0	Capital Amount:	\$ 0
No stock records found for this company			

Officers

Executive/Managerial Officers

General Partner - BAC GP, LLC			
Address 1:	30930 RUSSELL RANCH ROAD	Address 2:	MAIL CODE: CA6-916-02-01
City:	WESTLAKE VILLAGE	State:	CA
Zip Code:	91362	Country:	USA
Status:	Active	Email:	
General Partner - COUNTRYWIDE GP, LLC			
Address 1:	4500 PARK GRANADA	Address 2:	
City:	CALABASAS	State:	CA
Zip Code:	91302	Country:	
Status:	Historical	Email:	
General Partner - COUNTRYWIDE LP, LLC LIMITED PARTNER			
Address 1:	4500 PARK GRANADA	Address 2:	
City:	CALABASAS	State:	CA
Zip Code:	91302	Country:	
Status:	Historical	Email:	

Actions/Amendments

Action Type:	Certificate of Foreign Limited Partnership		
Document Number:	20080019571-73	# of Pages:	1
File Date:	1/09/2008	Effective Date:	
(No notes for this action)			

Action Type:	Miscellaneous		
Document Number:	20080019575-17	# of Pages:	1
File Date:	1/09/2008	Effective Date:	
APPROVAL			
Action Type:	Initial List		
Document Number:	20080104902-96	# of Pages:	1
File Date:	2/14/2008	Effective Date:	
(No notes for this action)			
Action Type:	Registered Agent Change		
Document Number:	20080493637-02	# of Pages:	1
File Date:	7/23/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20090057679-85	# of Pages:	1
File Date:	1/20/2009	Effective Date:	
(No notes for this action)			
Action Type:	Amendment		
Document Number:	20090391289-43	# of Pages:	1
File Date:	4/29/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20090851911-56	# of Pages:	1
File Date:	12/11/2009	Effective Date:	
(No notes for this action)			

RECONTRUST COMPANY

*Substitute
Trustee*

Business Entity Information

Status:	Merge Dissolved	File Date:	7/30/2007
Type:	Domestic Corporation	Entity Number:	E0533422007-5
Qualifying State:	NV	List of Officers Due:	7/31/2009
Managed By:		Expiration Date:	
NV Business ID:	NV20071003769	Business License Exp:	

Registered Agent Information

Name:	SECRETARY OF STATE	Address 1:	202 N. CARSON ST.
Address 2:		City:	CARSON CITY
State:	NV	Zip Code:	89701-4201
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	
Mailing Zip Code:			
Agent Type:	Noncommercial Registered Agent		

Financial Information

No Par Share Count:	0	Capital Amount:	\$ 10.00
Par Share Count:	1,000.00	Par Share Value:	\$ 0.01

Officers

No inactive Officers

Secretary - JERRY A HAGER			
Address 1:	225 W HILLCREST DRIVE	Address 2:	MS-TO-11
City:	THOUSAND OAKS	State:	CA
Zip Code:	91360	Country:	
Status:	Active	Email:	
Secretary - JERRY A HAGER			
Address 1:	225 W HILLCREST DRIVE	Address 2:	MS-TO-11
City:	THOUSAND OAKS	State:	CA
Zip Code:	91360	Country:	
Status:	Historical	Email:	
Treasurer - GREG MARKARIAN			
Address 1:	225 W HILLCREST DRIVE	Address 2:	MS-TO-11
City:	THOUSAND OAKS	State:	CA
Zip Code:	91360	Country:	
Status:	Active	Email:	
President - JAMES F TAYLOR			
Address 1:	225 W HILLCREST DRIVE	Address 2:	MS-TO-11
City:	THOUSAND OAKS	State:	CA
Zip Code:	91360	Country:	
Status:	Active	Email:	
President - JAMES F TAYLOR			
Address 1:	225 W HILLCREST DRIVE	Address 2:	MS-TO-11
City:	THOUSAND OAKS	State:	CA
Zip Code:	91360	Country:	

Status:	Historical		Email:
Treasurer - STEPHEN THOMPSON			
Address 1:	225 W HILLCREST DRIVE	Address 2:	MS-TO-11
City:	THOUSAND OAKS		
Zip Code:	91360	State:	CA
Status:	Historical		
Director - TIMOTHY WENNES			
Address 1:	225 W HILLCREST DRIVE	Address 2:	MS-TO-11
City:	THOUSAND OAKS		
Zip Code:	91360	State:	CA
Status:	Active		
Director - TIMOTHY WENNES			
Address 1:	225 W HILLCREST DRIVE	Address 2:	MS-TO-11
City:	THOUSAND OAKS		
Zip Code:	91360	State:	CA
Status:	Historical		

Actions/Amendments			
Action Type:	Articles of Incorporation		
Document Number:	20070516702-00	# of Pages:	2
File Date:	7/30/2007	Effective Date:	
Initial Stock Value: Par Value Shares: 1,000 Value: \$ 0.01 No Par Value Shares: 0			
Total Authorized Capital: \$ 10.00			
Action Type:	Miscellaneous		
Document Number:	20070516701-79	# of Pages:	1
File Date:	7/30/2007	Effective Date:	
(No notes for this action)			
Action Type:	Initial List		
Document Number:	20070704672-27	# of Pages:	4
File Date:	10/12/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080374012-37	# of Pages:	1
File Date:	5/29/2008	Effective Date:	
2008-2009			
Action Type:	Registered Agent Change		
Document Number:	20080493656-33	# of Pages:	1
File Date:	7/23/2008	Effective Date:	
(No notes for this action)			
Action Type:	Merge Out		
Document Number:	20090456192-00	# of Pages:	8
File Date:	6/02/2009	Effective Date:	
FORWARDING ADDRESS FOR SERVICE OF PROCESS: LITIGATION IN-TAKE, 30870 RUSSELL RANCH ROAD, CA 91360-02-01, WESTLAKE VILLAGE, CA 91361			

Same as BAC Home
Loans.

EXHIBIT “3”

APN# 138-34-610 - 006

Recording Requested by:

Name: BANK OF AMERICA
Address: 9000 SOUTHSIDE BLVD.
City/State/Zip: JACKSONVILLE, FL 32256

When Recorded Mail to:

Name: UNITED GENERAL TITLE INS./ FISERV
Address: 27 INWOOD ROAD
City/State/Zip: ROCKY HILL, CT 06067

5

20070314-0001283

Fee: \$18.00
N/C Fee: \$0.00

03/14/2007 10:06:19
T200703144710

Requestor:
UNITED GENERAL TITLE INS
Debbie Conway KGP
Clark County Recorder Pgs: 5

(for Recorder's use only)

**MODIFICATION OF SECURITY INSTRUMENT
(Title of Document)**

Please complete Affirmation Statement below:

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons. (Per NRS 239B.030)

-OR-

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the social security number of a person or persons as required by law: _____

(State specific law)

Signature

DE/RECORDING REVIEW ASSOC.

Title

JUILLETTE M. WISDOM

Print Signature

This page added to provide additional information required by NRS 111.312 Sections 1-2 and NRS 239B.030 Section 4.

This cover page must be typed or printed in black ink.

(Additional recording fee applies)

RECORDER'S MEMO
POSSIBLE POOR RECORD DUE TO
QUALITY OF ORIGINAL DOCUMENT

EXHIBIT “4”



Record and Return To:
United General Title Ins
Fiserv-27 Inwood Road
ROCKY HILL, CT 06067

Loan Number: 68181005120199

[Space Above This Line For Recording Data]

MODIFICATION OF SECURITY INSTRUMENT (Home Equity Line of Credit)

This Modification of Security Instrument ("Modification"), made this 19th day of JANUARY 2007, between LORI M ESQUIVEL,* JOSEPH ESQUIVEL

* AKA LORI M HERDA ("Borrower") and

Bank of America, NA, National Banking Association ("Lender"), amends and supplements (1) the Mortgage, Deed of Trust, or Security Deed (the "Security Instrument"), and Riders, if any, dated AUGUST 10, 2005 and recorded in Book or Liber at page(s) , instrument or document number 20050915-0001525 of the Land Records of CLARK, NEVADA [Name of Records] [County and State, or other Jurisdiction]

and (2) the Agreement, bearing the same date as, and secured by, the Security Instrument, which covers the real and personal property described in the Security Instrument and defined therein as the "Property", located at 6940 SURREY CT, LAS VEGAS, NEVADA 89145-5224

the real property described being set forth as follows:
SCHEDULE A ATTACHED HERETO AND MADE A PART OF.

The Principal amount secured by the Security Instrument is changing from \$ 65,000.00 to \$ 85,000.00. The maturity date described in the Security Instrument is changed to JANUARY 19, 2032

CONTINUING VALIDITY. Except as expressly provided in the Modification paragraph above, the terms of the original Security Instrument shall remain in full force and effect. Nothing in this Modification shall be understood or construed to be a satisfaction or release in whole or in part of the Agreement and Security Instrument. Except as otherwise specifically provided in this Modification, the Agreement and Security Instrument will remain unchanged, and Borrower and Lender will be bound by, and comply with, all of the terms and provisions thereof, as amended by this Agreement. Borrower also shall comply with all other covenants, agreements, and requirements of the Security Instrument, including without limitation, Borrower's covenants and agreements to make all payments of taxes, insurance premiums, assessments, escrow items, impounds, and all other payments that Borrower is obligated to make under the Security Instrument.

Lori M. Esquivel (Seal)
LORI M ESQUIVEL
AKA LORI M HERDA
-Borrower

Joseph Esquivel (Seal)
JOSEPH ESQUIVEL
-Borrower

(Seal)
-Borrower

(Seal)
-Borrower

(Seal)
-Borrower

(Seal)
-Borrower

[Space Below This Line For Acknowledgment]

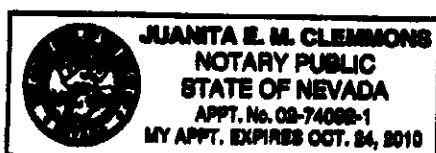
State of Nevada)
County of Lincoln) ss.
On 1/19/07 before me,

Juanita E.M. Clemmons

personally appeared LORI M ESQUIVEL, JOSEPH ESQUIVEL

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Juanita E. M. Clemmons

NOTARY SEAL

Juanita E. M. Clemmons
NOTARY SIGNATURE

Juanita E. M. Clemmons
(Typed Name of Notary)

H019FM85

SCHEDULE A

ALL THAT REAL PROPERTY SITUATED IN THE COUNTY OF CLARK, STATE OF NEVADA, DESCRIBED AS FOLLOWS:

LOT 6, IN BLOCK 12 OF CHARLESTON RAINBOW UNIT 7B, AS SHOWN BY MAP THEREOF FILED IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

PROPERTY ADDRESS: 6940 SURREY COURT

PARCEL ID: 138-34-610-006

EXHIBIT “5”

RECORDING REQUESTED BY:
WHEN RECORDED MAIL TO:
RECONTRUST COMPANY
2380 Performance Dr, TX2-985-07-03
Richardson, TX 75082
Attn:
TS No. 09-0131186
Title Order No. 090626360NVGTI

APN No. 138-34-610-006

NEVADA IMPORTANT NOTICE
NOTICE OF DEFAULT/ELECTION TO SELL UNDER DEED OF TRUST

NOTICE IS HEREBY GIVEN THAT: RECONTRUST COMPANY, N.A., is the duly appointed Trustee under a Deed of Trust dated 05/03/2005, executed by LORI HERDA, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY as Trustor, to secure certain obligations in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. as beneficiary recorded 05/25/2005, as Instrument No. 0003792 (or Book 20050525, Page) of Official Records in the Office of the County Recorder of Clark County, Nevada. Said obligation including ONE NOTE FOR THE ORIGINAL sum of \$205,000.00. That a breach of, and default in, the obligations for which such Deed of Trust is security has occurred in that payment has not been made of :

FAILURE TO PAY THE INSTALLMENT OF PRINCIPAL, INTEREST AND IMPOUNDS WHICH BECAME DUE ON 06/01/2009 AND ALL SUBSEQUENT INSTALLMENTS OF PRINCIPAL, INTEREST AND IMPOUNDS, TOGETHER WITH ALL LATE CHARGES, PLUS ADVANCES MADE AND COSTS INCURRED BY THE BENEFICIARY, INCLUDING FORECLOSURE FEES AND COSTS AND/OR ATTORNEYS' FEES. IN ADDITION, THE ENTIRE PRINCIPAL AMOUNT WILL BECOME DUE ON 06/01/2035 AS A RESULT OF THE MATURITY OF THE OBLIGATION ON THAT DATE.

That by reason thereof, the present beneficiary under such deed of trust has deposited with RECONTRUST COMPANY, N.A. such deed of trust and all documents evidencing obligations secured thereby, and has declared and does hereby declare all sums secured thereby immediately due and payable and has elected and does hereby elect to cause the trust property to be sold to satisfy the obligations secured thereby.

NOTICE

You may have the right to cure the default hereon and reinstate the one obligation secured by such Deed Of Trust above described. Section NRS 107.080 permits certain defaults to be cured upon the payment of the amounts required by that statutory section without requiring payment of that portion of principal and interest which would not be due had no default occurred. Where reinstatement is possible, if the default is not cured within 35 days following recording and mailing of this Notice to Trustor or Trustor's successor in interest, the right of reinstatement will terminate and the property may there after be sold. The Trustor may have the right to bring court action to assert the non existence of a default or any other defense of Trustor to acceleration and sale.

To determine if reinstatement is possible and the amount, if any, to cure the default, contact:
~~BAC Home Loans Servicing, LP, c/o RECONTRUST COMPANY, 2380 Performance
Dr., TX 75082, Richardson, TX 75082, PHONE: (800) 281-8219. Should you wish to
discuss possible options for loan modification, you may contact the Home Retention Division at
1-800-669-6650. If you meet the requirements of Section NRS 107.085, you may request
mediation in accordance with the enclosed Election/Waiver of Mediation Form and instructions.
You may also contact the Nevada Fair Housing Center at 1-702-731-6095 or the Legal Aid
Center at 1-702-386-1070 for assistance.~~

RECONTRUST COMPANY, as agent for the Beneficiary
By: Fidelity National Default Solutions, as Agent

By: LSI Title Agency, Inc., an Illinois Corporation, as Agent
Anselmo Pagkaliwangan

State of: California
County of: Orange

Connie L. Borras

On 9.2.2009, before me, Concilio E. Dorras, Notary Public, personally appeared Anselmo Pagkaliwangan, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Connie L. Borrás (Seal)
Connie L. Borrás

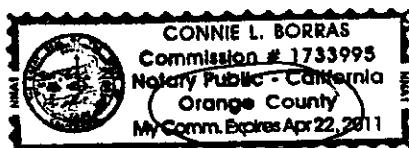


EXHIBIT “7”

RECORDING REQUESTED BY:

RECONTRUST COMPANY, N.A.

AND WHEN RECORDED MAIL DOCUMENT TO:

BAC Home Loans Servicing, LP
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065

138-34-610-006

TS No. 09-0131186

TITLE ORDER#: 090626360NVGTI

CORPORATION ASSIGNMENT OF DEED OF TRUST NEVADA

FOR VALUE RECEIVED, THE UNDERSIGNED HEREBY GRANTS, ASSIGNS AND TRANSFER TO:
BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP

ALL BENEFICIAL INTEREST UNDER THAT CERTAIN DEED OF TRUST DATED 05/03/2005,
EXECUTED BY: LORI HERDA, A MARRIED WOMAN AS HER SOLE AND SEPARATE
PROPERTY, TRUSTOR: TO CTC REAL ESTATE SERVICES, TRUSTEE AND RECORDED AS
INSTRUMENT NO. 0003792 ON 05/25/2005, IN BOOK 20050525, OF OFFICIAL RECORDS IN THE
COUNTY RECORDER'S OFFICE OF CLARK COUNTY, IN THE STATE OF NEVADA.

DESCRIBING THE LAND THEREIN: AS MORE FULLY DESCRIBED IN SAID DEED OF TRUST.

TOGETHER WITH THE NOTE OR NOTES THEREIN DESCRIBED OR REFERRED TO, THE
MONEY DUE AND TO BECOME DUE THEREON WITH INTEREST, AND ALL RIGHTS
ACCRUED OR TO ACCRUE UNDER SAID DEED OF TRUST/MORTGAGE.

DATED: September 02, 2009

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC.

State of: Texas

)

County of: Dallas

)

BY: Angela Nava

Angela Nava

, Assistant Secretary

Angela Nava

Assistant Secretary

On 9-8-09 before me ANGELA SERATO, personally appeared _____
, know to me (or proved to me on the oath of _____ or through _____
) to be the person whose name is subscribed to the foregoing instrument and
acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.
Witness my hand and official seal.

Angela S. D.
Notary Public's Signature



RECORDING REQUESTED BY:
RECONTRUST COMPANY, N.A.
AND WHEN RECORDED MAIL DOCUMENT TO:
PAGE, Inc., 2000

BAC Home Loans Servicing, LP
400 COUNTRYWIDE WAY SV-35
SIMI VALLEY, CA 93065

138-34-610-006

TS No. 09-0131186

TITLE ORDER#: 090626360NVGTI

CORPORATION ASSIGNMENT OF DEED OF TRUST NEVADA

FOR VALUE RECEIVED, THE UNDERSIGNED HEREBY GRANTS, ASSIGNS AND TRANSFER TO:
BAC HOME LOANS SERVICING, LP FKA COUNTRYWIDE HOME LOANS SERVICING LP

ALL BENEFICIAL INTEREST UNDER THAT CERTAIN DEED OF TRUST DATED 05/03/2005,
EXECUTED BY: LORI HERDA, A MARRIED WOMAN AS HER SOLE AND SEPARATE
PROPERTY, TRUSTOR; TO CTC REAL ESTATE SERVICES, TRUSTEE AND RECORDED AS
INSTRUMENT NO. 0003792 ON 05/25/2005, IN BOOK 20050525, OF OFFICIAL RECORDS IN THE
COUNTY RECORDER'S OFFICE OF CLARK COUNTY, IN THE STATE OF NEVADA.

DESCRIBING THE LAND THEREIN: AS MORE FULLY DESCRIBED IN SAID DEED OF TRUST.

TOGETHER WITH THE NOTE OR NOTES THEREIN DESCRIBED OR REFERRED TO, THE MONEY DUE AND TO BECOME DUE THEREON WITH INTEREST, AND ALL RIGHTS ACCRUED OR TO ACCRUE UNDER SAID DEED OF TRUST/MORTGAGE

DATED: September 02 2009

**MORTGAGE ELECTRONIC REGISTRATION SYSTEMS,
INC.**

State of: Texas
County of: Dallas

BY: Angela Nava Assistant Secretary

On 9-8-09 before me ANGELA SERATO, personally appeared ANGELA SERATO, Assistant Secretary, who, know to me (or proved to me on the oath of _____ or through _____) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed. Witness my hand and official seal.

Notary Public's Signature



EXHIBIT “8”

RECORDING REQUESTED BY:
RECONTRUST COMPANY

AND WHEN RECORDED MAIL DOCUMENT TO:
RECONTRUST COMPANY
2380 Performance Dr, TX2-985-07-03
Richardson, TX 75082

ATTN: Dominic Heme
TS No. 09-0131186
138-34-660-006
TSG No. 090626360NVGTI

SUBSTITUTION OF TRUSTEE NEVADA

WHEREAS, LORI HERDA, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY was the original Trustor, CTC REAL ESTATE SERVICES was the original Trustee, and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. was the original Beneficiary under that certain Deed of Trust dated 05/03/2005 recorded on 05/25/2005 as Instrument No. 0003792 in Book 20050525 Page of Official Records of Clark County, Nevada;

WHEREAS, the undersigned is the present Beneficiary under said Deed of Trust, and

WHEREAS, the undersigned desires to substitute a new Trustee under said Deed of Trust in place and instead of said original Trustee, or Successor Trustee, thereunder, in the manner in said Deed of Trust provided,

NOW THEREFORE, the undersigned hereby substitutes RECONTRUST COMPANY, N.A., WHOSE ADDRESS IS: 2380 Performance Dr, TX2-985-07-03, Richardson, TX 75082, as Trustee under said Deed of Trust.

Whenever the context hereof so requires, the masculine gender includes the feminine and/or neuter, and the singular number includes the plural.

BAC HOME LOANS SERVICING, LP FKA
COUNTRYWIDE HOME LOANS SERVICING LP

BY: Angela Nava
Angela Nava, Assistant Secretary

State of: Texas
County of: Dallas }

On 9-8-09 before me ANGELA SERATO, personally appeared
Angela Nava Assistant Secretary, know to me (or proved to me on the
oath of _____ or through _____) to be the person whose name is
subscribed to the foregoing instrument and acknowledged to me that he/she executed the same
for the purposes and consideration therein expressed.

Witness my hand and official seal.



Notary Public's Signature

